

**House Committee on International Relations**  
**Subcommittee on International Terrorism and Nonproliferation**

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Mr. Chairman, good morning and thank you for giving me the opportunity to appear before this Committee to discuss border issues.

The immigration issue is a complex one and although there are varying views among government leaders and several bills that have been introduced in Congress, the consensus among federal, state and local leaders is that we need comprehensive reforms and an immigration policy that focuses on securing our nation's borders. Additionally, we need to address the issue of the millions of illegal immigrants already here in search of employment in a "sensible and compassionate way."

As Sheriff of San Diego County and with nearly 50 years of peace officer experience, I can tell you that this topic has plagued local law enforcement in our County for decades.

San Diego County is the third most populous county in the state with nearly 3.1 million residents living in 4,261 square miles along the Pacific Ocean between San Clemente to the north and the Mexican border to the south. As a result of our proximity to the border, San Diego has a long history of dealing with the problem of illegal border crossers.

Although most of these illegal border crossers enter our country in search of employment, some of them do commit crimes in the County and end up in our jails. The costs of staff hours, equipment and administrative work associated with the detention and/or arrest of undocumented foreign-born citizens is difficult to approximate, but the figures are in the millions.

Although the State Criminal Alien Assistance Program (SCAAP) assists in reimbursing state and local governments some costs associated with the incarceration of criminal undocumented foreign-born citizens, there are still significant unreimbursed costs to our County.

San Diego's law enforcement officers do not arbitrarily stop individuals solely on suspicion of immigration status while patrolling the streets of our County. There must be reasonable suspicion of criminal activity. If there is no probable cause to arrest the subject, the officer will complete a field interview report and release the individual. However, if, in the course of an investigation, the officer or deputy sheriff determines that the subject's immigration status is in question, the Border Patrol will be notified and asked to respond. If the Border Patrol can respond in a reasonable amount of time, the law enforcement officer will remain with the subject until their arrival. At that time, the officer will relinquish control of the subject to the Border Patrol.

The issue of immigration has polarized many citizens into forming private groups on both sides of the issue. These opposing factions present new challenges for law enforcement with frequent and sometimes violent protests. Witness the May 1, 2006 nationwide march known now as "A Day Without Immigrants."

Thousands of people marched on both sides of the issue causing law enforcement to deploy thousands of officers to keep the peace and ensure everyone's right to free speech. San Diego County's costs alone to police these events have reached approximately \$300,000 since June 2005.

In addition to the increased cost and staff hours to address the immigration problems, comes the increased risk of terrorism due to vulnerabilities at the borders. Experts from both private and public sectors agree that the porous southwest border is an inviting avenue of illegal entry for possible terrorists. In 2005 and 2006 there were five border tunnels located in San Diego County running from Mexico into the United States. (See attached.) While it is known that these tunnels were used primarily to smuggle illicit drugs, the same could easily be said for the smuggling of human cargo to possibly include terrorists.

Our national experience with controlling illicit drugs suggests that border enforcement is at best a weak deterrent. Increased border enforcement has led drug traffickers to find new smuggling routes and develop methods that are more difficult for government authorities to police. Similar adaptations by terrorists can be expected, but that doesn't mean that obvious weaknesses on our borders should not be strengthened.

Al Qaeda continues to be one of the largest international terrorism threats to the United States. Many experts agree that Al Qaeda has studied narcotics traffickers and it is suspected that there are established ties between the two. San Diego knows firsthand. Al Qaeda has been here in the past as evidenced by the two 9/11 hijackers that resided here during the initial planning stages of the attack.

The 9/11 attack has forced local law enforcement to focus more of its efforts towards the terrorist threat. Across the country, local, state and federal law enforcement agencies are forming specialized anti-terrorism groups and intelligence fusion centers to combat this threat.

Nationally, there are over 700,000 law enforcement officers who patrol the streets of our communities and the state highways that link them. “All terrorism is local” as the International Association of Chiefs of Police puts it, and our officers and deputies are in a valuable position to help prevent terrorist acts. Should prevention fail, local public safety agencies play a critical role in protecting our homeland security because they are the first responders to the scene of an incident or terrorist attack. Let’s not forget how many first responders lost their lives on 9/11.

To prevent future attacks in this County takes determination and aggressive law enforcement coordination at all levels of government. San Diego has committed itself to preventing this threat by the formation of the Terrorism Early Warning Group (TEW). Terrorism and criminal activity are most effectively combated through a multi-agency/multi-authority approach that encompasses federal state and local resources, skills and expertise. Working closely with the Federal Bureau of Investigation’s Joint Terrorism Task Force and our own Criminal Intelligence Units, the Terrorism Early Warning Group is charged with preventing terrorism and planning for the mitigation of a terrorist event should it occur.

It is absolutely critical that jurisdictions create multi-agency, multi-discipline groups focused on preventing, responding to and recovering from terrorist acts. This approach allows full interaction and real-time information sharing to flow throughout the operational areas. TEW groups which are located in San Diego, Los Angeles, Orange County, San Francisco, East Bay and Sacramento, bring together law enforcement, fire, public health, emergency medical services,

agriculture, environmental health, hazmat and more. This network allows interfacing and information sharing in an unprecedented way. No longer is terrorism just a law enforcement function, but a public safety function in which all disciplines must be included.

The citizens of our community, as well as first responders (police, fire and emergency medical personnel), also need to be aware of terrorist indicators and how to report them. Information flow among all these groups is critical.

San Diego was recently taken off the list of Urban Area Security Initiative (UASI) top 35 cities in America in spite of the threat posed by San Diego's geographic location on the southwest border, our ocean and military bases. In particular, our San Ysidro Port of Entry is the busiest in the nation and possibly the world with annual crossings of over 50 million travelers and 18 million vehicles. Their annual seizure rate is 140,000 pounds of narcotics, 60,000 undocumented immigrants and 1,100 wanted criminals.

Today I ask the members of this sub-committee to not only help resolve these immigration and border issues, but to ask the Department of Homeland Security to re-visit its calculation of risk for the San Diego area and ensure its inclusion in future UASI grant programs.

As Congress and the President wrestle with these difficult issues, it is important that national policy reflect a clear understanding of the enormous challenges that local law enforcement face in dealing with illegal immigration. As Governor Schwarzenegger of California has stated, "national security is the responsibility of the federal government and should not be passed off to state and local governments."

Thank you Mr. Chairman. I am ready to answer any questions.